IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

MONDAY, THE SEVENTEENTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

and
THE HON'BLE SRI JUSTICE M.NARAYANA REDDY

WRIT APPEAL NO. 1793 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 19/07/2004 in WP No. 12391 OF 2004 on the file of the High Court.)

Between:

Jala Buchaiah S/o Jala Drugaiah
R/o Champapet Village, Saroornagar Mandal, Ranga Reddy District.

..... APPELLANT

AND

1.The Joint Collector, Ranga Reddy District
2.The Mandal Revenue Officer, Saroornagar Mandal, Ranga Reddy District.
3. Dasari Manemma W/o late Narayana Reddy
R/o 1-8, Champapet, Village, Saroornagar Mandal, Ranga Reddy District.
4. Dasari Ramana Reddy S/o late Narayana Reddy
R/o 1-8, Champapet, Village, Saroornagar Mandal, Ranga Reddy District.

.....RESPONDENTS

Counsel for the Appellant: Mr. A.SUDERSHAN REDDY

Counsel for the Respondent Nos.1 & 2: GP FOR REVENUE

(not present)

Counsel for Respondents 3 & 4: None appeared.

The Court made the following :

ORAL JUDGMENT:

(per Honourable Sri Devinder Gupta, the Chief Justice)

Appeal is against the order passed by the learned Single Judge dismissing the Writ Petition. In the Writ Petition, the appellant had questioned the legality and validity of the order passed by the Joint Collector, Ranga Reddy District on 15.6.2004 in Case No. F2/2215/2004 staying the proceedings initiated by the Mandal Revenue Officer, Saroornagar under Section 32 of the Tenancy Act.

The appellant was granted succession of permanent tenancy rights under Section 40 of the Andhra Pradesh (Telangana Area) Tenancy and Agricultural Lands Act, 1950 (for short " the Act") in respect of the land bearing Survey Nos. 193 and 194, situated at Kamanghat village, Saroornagar Mandal, Ranga Reddy District. The order was challenged by the respondents 3 and 4 in the appeal preferred under Section 90 of the Act. While entertaining the Appeal, on the application filed by respondents 3 and 4, the Joint Collector stayed the proceedings initiated by the Mandal Revenue Officer under Section 32 of the Act.

We have heard the learned counsel for the appellant. Nobody has put in appearance for respondents.

As a matter of fact, proceedings under Sections 40 and 32 are separate and independent giving rise to separate rights and liabilities. Order passed under Section 40 is under challenge in the Appeal preferred by respondents 3 and 4. Proceedings taken out under Section 32 are separate and have to be dealt with independently. The mere fact that out of proceedings arising under Section 40 of the Act appeal has been preferred will not affect the legality and validity of the proceedings under Section 32 of the Act, and, as such, there was no occasion for the Joint Collector to have stayed the proceedings taken out under Section 32 of the Act. Staying such proceedings would amount to preventing the appellant from pursuing his legal remedy. In case, respondents 3 and 4 would feel aggrieved against any order to be passed against them in proceedings under Section 32 of the Act, they have independent right of filing appeal under the provisions of the Act. The order of the Joint Collector, Ranga Reddy District, dated 15.6.2004 staying proceedings under Section 32 of the Act is bad in law, and, is liable to be set aside.

The Writ Appeal is allowed and the impugned order is set aside. The Writ Petition is allowed and the order passed on 15.6.2004 by the Joint Collector, Ranga Reddy District is set aside. No costs.

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DEVINDER GUPTA, C.J.

17.1.2005. _____

M.NARAYANA REDDY, J.

VR.

To

1.The Joint Collector, Ranga Reddy District
2.The Mandal Revenue Officer, Saroornagar Mandal, Ranga Reddy District.

3. Two CCs to Government Pleader for Revenue, High Court Buildings, Hyderabad (OUT).

4. Two CD copies.